

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road,
New Delhi - 110003.
Dated 17th November, 2020

To,

The Principal Secretary (Forests),
Department of Forest and Environment,
Government of Madhya Pradesh,
Bhopal.

Sub: Diversion of 95.387 hectares of forest land in favour of the Water Resources Department, Madhya Pradesh for construction of Chunar Tank Project in Dhar District, Madhya Pradesh - reg.

Sir,

In response of Ministry letter of even no. dated 24.07.2019 the Ministry is in receipt of your reply furnished by letter No. 1327/1636/2020/10-3 dated 16.10.2020 after a lapse of more than a year's time. After careful perusal of your reply the following important issue need redressal prior to considering the proposal for Stage-II approval under the Forest (Conservation) Act, 1980:

- i. As per Para 6 of reply furnished and previous references dated 19.12.2017, 27.02.2018, 16.11.2018, 16.01.2019 and 30.01.2019 it is quite evident that initially the State Government denied the fact that there is no displacement of family and therefore, R&R plan is not applicable in the instant proposal. Site inspection report of DFO, Dhar clearly mentions existence of families having forest rights and the same got confirmed through DSS analysis of kml files showing existence of agriculture fields within proposed forest land for diversion. Acceptance of facts from the State Government and inherent contradictions were one of the main factors contributing to delay.
- ii. Para 3 of the Site Inspection Report of Regional Office, Bhopal submitted vide letter no. 6-MPA01/2019-BHO/255 dated 6th May 2019 has mentioned that ***“the construction of dam has been completed and impounding of water has being started.”*** without obtaining approval under section 2 of the Forest (Conservation) Act, 1980. This is a clear violation of the provisions under FCA-1980.
- iii. Justification provided in para 7 of your letter that after deposition of Compensatory Afforestation levies and making available Non Forest land the work has been initiated by Water Resources Department, Govt. of Madhya Pradesh may be viewed in light of para 3 of approval in-principle where it has been mentioned that *“Transfer of the said forest land to the user agency shall not be effected by the Govt. of Madhya Pradesh till final/Stage-II approval for its diversion is issued by this Ministry”*. This is a blatant violation of the section 2 of FCA, 1980.
- iv. Para 8 of your reply quotes para 11.2 (Chapter 11) of Handbook, 2019 of FC Act, 1980 which is applicable only in respect of **‘linear proposals’** considered for forest clearance.
- v. Mention of cost escalation of project due to delay as reason for violation of the provision of FCA-1980 is not acceptable.
- vi. It would be pertinent to mention that as per section 3A and 3B of FCA-1980 and rule

9 of the Forest (Conservation) Rules, 2003 prosecution responsibilities have been vested with Govt. of India. Therefore, assuring initiation of disciplinary action by the State Govt. (as per last para of letter 16.10.2020) is not acceptable.

Therefore, it is reiterated that a “comprehensive note” with details of erring officials shall be provided by the State Govt. for initiation of further necessary action in the instant matter.

This issues with the approval of the competent authority.

Yours faithfully,

Sd/-

(Brijendra Swaroop)

Deputy Inspector General of Forests

Copy to:

1. **The Principal Chief Conservation of Forests (HoFF), Department of Forests**, Government of Madhya Pradesh, Bhopal.
2. **The Deputy Director General of Forests (Central), Integrated Regional Office (Western Zone)**, MoEF&CC, Bhopal.
3. **The Nodal Officer, O/o the PCCF, Department of Forests**, Government of Madhya Pradesh, Bhopal.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi.
6. Guard File.